

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, March 10, 2021 – 1:30 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

**PRESENT:** Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: Linda Hillman, Christopher Bryant, Frank Pizzichillo and Ken Daige **Also Present:** Code Enforcement Officer, Melody Sanderson; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

**Excused Absence:** Richard Kennedy

**1. CALL TO ORDER**

Today's meeting was called to order at 1:30 p.m.

**2. PLEDGE OF ALLEGIENCE**

The Chairman led the Board members and the audience in the Pledge of Allegiance to the flag.

The Deputy City Clerk swore in staff and the audience present for today's meeting en masse.

**3. PRELIMINARY MATTERS**

**A) Adoption of Minutes – February 10, 2021**

**Mr. Price made a motion to adopt the minutes of the February 10, 2021 Code Enforcement Board meeting. Mr. Pizzichillo seconded the motion and it passed unanimously.**

**B) Agenda Additions, Deletions and Adoption**

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #21-CE-11421 – Area Rug Gallery, Inc. / Foster's Accounting Service, LLC, Case #21-CE-11398 – Vero Plaza, LLC / Cutting Edge Salon / Nichole Price and Case #20-CE-11366 – Russell A. Bevard, Jr. from today's agenda. She reported that they were all in compliance.

**Mr. Price made a motion to adopt the agenda as amended. Mr. Daige seconded the motion and it passed unanimously.**

**4. UNLICENSED CONTRACTORS/CITATIONS**

None

**5. EVIDENTIARY HEARINGS**

**A) Citation Appeals**

None

**B) Non-Compliance / Compliance Reports**

**1. Request for Board Order**

- a. CASE #21-CE-11421 / 3134M**  
**VIOLATOR:** Area Rug Gallery, Inc. / Foster's Accounting Service, LLC, agent  
**VIOLATION:** Sign violation - Code Section 38.17  
**VIOLATION ADDRESS:** Right-of-way of 27<sup>th</sup> Avenue and SR 60, Vero Beach, Florida 32960  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

- b. CASE #21-CE-11398 / 3112M**  
**VIOLATOR:** Vero Plaza, LLC / Cutting Edge Salon / Nichole Price  
**VIOLATION:** Sign violation – Code Section 38.17 (a)(o)(p)  
**VIOLATION ADDRESS:** 484 21<sup>st</sup> Street, Vero Beach, Florida 32960  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

- c. CASE #20-CE-11366 / 3081M**  
**VIOLATOR:** Russell A. Bevard, Jr. (owner) and Richard Cotton (tenant)  
**VIOLATION:** Watercraft violation – Code Section 74-81 (c)(3)  
**VIOLATION ADDRESS:** 1903 Robalo Drive, Vero Beach, Florida 32960  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

- d. CASE #21-CE-11428 / 3141M**  
**VIOLATOR:** James and Bertha Cox, Patricia and Joe Cox  
**VIOLATION:** Public nuisance – Code Section 38-31 (a)(b)(5)  
**VIOLATION ADDRESS:** 2605 11<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to comply)**

Ms. Sanderson reported that a citation was issued for public nuisance; garbage, rubbish, trash, debris, dead trees, and other unsightly and unsanitary structures or materials that were not properly enclosed waiting for normal trash pickup. She said this case was initiated based on multiple complaints of the condition of the property. No request for a hearing on the citation was received within the 10-day time frame so a hearing to contest the citation has been waived and the violation is deemed admitted by the violator. She then showed on the screen photographs of the property (on file in the City Clerk's office). She reported that this case is before the Board to determine if the property is in compliance.

Mr. Bryant asked Ms. Sanderson for her recommendation as to if she felt the property was in compliance or not in compliance.

Ms. Sanderson said that she defers to the Board.

Mrs. Patricia A. Cox, who has been sworn in, said the property has been a mess in the past. But, since then her husband and nephew have been working diligently to clean it up. She said they have a memorial for her father-in-law in the front of the property and there are two (2) chairs there.

Mr. Price said that he thinks that is part of the problem.

Mrs. Cox questioned isn't a memorial allowed.

Mr. Price questioned why are the chairs there.

Mrs. Cox said so they could sit at the memorial.

Mr. Price asked what about everything else that is in the yard.

Mrs. Cox said there is a swing and there are plants that they enjoy. She said they are in the process of cleaning up their back yard so they can store some of these things in the back.

Mr. Price explained that if they are not in compliance the Board is going to charge them a daily fine until they are in compliance.

Mrs. Cox said that she is on disability and her husband is not working.

Mr. Price said they need to clean it up and bring the property into compliance.

Mrs. Cox said they are cleaning it up.

Mr. Price said they have to bring it into compliance with the Code.

Mrs. Cox said these are her things and she is sorry that her neighbors don't like it.

Mr. Pizzichillo asked Ms. Sanderson when she initially inspected the property.

Ms. Sanderson reported that she looked at the property on February 1<sup>st</sup> and February 2<sup>nd</sup> and she issued the citation on February 2, 2021, allowing them two (2) weeks to comply.

Mr. Pizzichillo said that is well over a month ago.

Mrs. Cox asked the Board how would they like the yard to be. She asked what would they like them to do, throw their stuff away.

Mr. Price said these items cannot be in the front yard.

Mrs. Cox said they are their things. She is sorry they don't like them.

Mrs. Hillman asked Mrs. Cox, if she had a back yard.

Mrs. Cox said that she does, but she doesn't want to put her stuff in the back yard. She wants it in her front yard. She said it is her property.

Mrs. Hillman explained that the City Code states that you cannot display items like that.

Mrs. Cox asked what is wrong with ...

Mr. Pizzichillo said to answer her question, everything is wrong with it.

Mrs. Cox asked why.

Mr. Pizzichillo said because it is an eyesore and he would not want to be her neighbor looking at that every day. He said it is detrimental to the area.

Mrs. Cox disagreed.

Mr. Daige said that he didn't think the memorial and the chairs were in question. What is in question is the amount of items that are outside the home and the Code prohibits that. He said this is also a safety hazard. He explained that a storm could blow these things around. He understands that these items belong to her, but the Code does not allow it and the property has to be brought into compliance.

Mrs. Cox said it would be wonderful if Ms. Sanderson could come and tell her exactly what she needs to do and she will do it.

Ms. Sanderson said that she did not think anyone was contesting a few chairs or a memorial, but the excess items that remain outside are the basis of the complaint.

Mrs. Cox said that her husband took stuff to the dump and will be making another dump run with the items that they don't need.

Ms. Sanderson said improvements have been made and it needs to continue.

Mrs. Hillman said if this was next to her house she would have a huge problem with it.

Mrs. Cox said they are embarrassed and are trying to clean it up. She said they are going to continue cleaning up the property and she wanted the Board to know that they are making progress.

Mr. Pizzichillo said it has been over a month since the Code Officer inspected the property and they could have done something a lot sooner. He said this is deplorable and if he lived next to them he would be making a complaint every day. He said this is detrimental in many ways to the surrounding homes. He felt that they had plenty of time to clean up the property.

Mrs. Cox said that she really does appreciate the Board and she would like to explain if that is okay with them. She said that she had surgery ...

Mr. Price said that is not necessary. He said the Board is not looking for excuses. He said that he understands that the Code Officer wants the Board to determine whether or not they are in compliance. He asked Ms. Sanderson how would the Board define bringing the property into compliance to Mrs. Cox. He said it might be hard for her to judge what is allowed and what is not allowed.

Ms. Sanderson said it would be nice if she just had the memorial and a couple chairs.

Mr. Bryant asked how much was the fine.

Ms. Sanderson said it was \$50, which has been paid.

Mr. Bryant said that she is not in compliance. He said the Board needs to issue an order of some sort to allow 30-days to comply or ....

Ms. Sanderson responded no.

Mr. McDonald said they have already had a month and a half to comply.

Ms. Sanderson requested that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within seven (7) days of the Board order or continuing civil penalties in the amount of \$50 commencing on the original compliance date of February 17, 2021, until corrected.

Mr. Daige said to understand it correctly, the Code Officer is recommending seven (7) days to get this squared away.

Ms. Sanderson clarified that it would be seven (7) days from the date of the Board order, so they would have more than seven (7) days to comply.

Mr. Daige explained to Mrs. Cox that the Code Enforcement Officer is willing to work with her to let her know what is allowed and what is not allowed. He said if it was up to him, he would contact the Code Enforcement Officer in a few days to be sure that she is bringing the property into compliance.

Mr. Bryant suggested that they allow 14-days to come into compliance.

Ms. Sanderson explained that Mrs. Cox would have approximately a week or more in addition to the seven (7) days, depending on when the Board order is prepared and signed.

Mr. John Turner, City Attorney, explained that all the paperwork has to go through his office and has to be signed, which usually takes additional days.

Mrs. Cox said that she has a table and chairs out front, which she uses to sit outside and listens to music.

Ms. Sanderson explained that the table and chairs and the memorial is not the problem. The problem is when the other items stay out front, which is when the complaints come in.

**Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within seven (7) days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of February 17, 2020, until corrected and that the initial civil penalty has been paid. Mr. McDonald seconded the motion and it passed unanimously.**

Mr. Daige recommended to Mrs. Cox that she call the Code Enforcement Officer in about three (3) days so that she can check the property to make sure that she (Mrs. Cox) is coming into compliance.

- e. **CASE #20-CE-11171 / 2960M**  
**VIOLATOR:** Jill Silcox and Shelly Robertson  
**VIOLATION:** Weeds, grass, or undergrowth at a height of more than 12 inches throughout the property – Code Section 38-31 (a)(b)(1)  
**VIOLATION ADDRESS:** 1941 33<sup>rd</sup> Avenue, Vero Beach, Florida 32960  
**(Property found in compliance on February 16, 2021. There are continuing penalties of \$50 per day that commenced on October 2, 2020 for 137 days x \$50 = \$6,850, plus the initial civil penalty of \$50 and the cost of enforcement of \$55.96 for a total of \$6,955.96, plus costs of recording and City Attorney fees)**

\*Please note that this item was heard after item 5B) 1f on today's agenda.

Ms. Sanderson reported that the property was found in compliance on February 16, 2021, and the civil penalty has not been paid. She requested that the Board finds the property in compliance as of February 16, 2021, and cease the continuing penalties as of February 16, 2021, and the violator to pay the accrued continuing penalties and costs.

**Mr. Price moved that the Board finds that the property was in compliance as of February 16, 2021, to cease the continuing penalties as of February 16, 2021, and to pay the accrued continuing penalties and costs. Mr. McDonald seconded the motion and it passed unanimously.**

Mr. Pizzichillo said in these cases and other cases the Board has discussed with the City Attorney some kind of mechanism for the City to collect from the non-payers. His concern is that some of these people will never pay.

Mr. Turner said there are times when the City is paid when the property is sold. He said their only other options are to foreclose or send them to a collection agency. He noted that a foreclosure would have to be at the direction of the City Council.

Mr. Pizzichillo asked how many of these cases do they have that are of significant nature where they have not paid.

Mr. Turner said a list would be in the City Clerk's office.

Ms. Sherri Philo, Deputy City Clerk, explained that the City Clerk's office does not really have a list, but she does try to keep track of the cases where the Board orders are recorded and money is due. However, as far as telling them how many cases there are, there are several.

Mr. Daige suggested that the Board receives a list of the Board orders that are recorded and that they see the amount of monies owed to the City so they could look into if there is a course they could take to speed up the process instead of waiting years down the road. He said the Board could get some verbiage from the City Attorney so they could put a package together to send to the City Council for them to see and make a ruling on it.

Mr. Daige suggested that before the Board thinks about making a recommendation to the City Council that they see what is open and on the books.

Ms. Philo explained that there are cases where the property is in compliance, but the penalties were not paid that are recorded; there are cases that have continuing penalties accruing that are recorded; etc.

Mr. Price suggested that they exclude costs that are due to the City and just get a list of the fines themselves.

Ms. Sanderson explained that some fines are continuing daily.

Mr. Pizzichillo said that he is not interested in the \$50 penalties. He is interested in the large fines that are owed to the City. He wants to know how many cases there are where there is a significant amount of fines owed to the City that have not been paid.

Mr. Daige said that he understands it is a moving number. What he is looking for is if the City Attorney could recommend a mechanism where the monies could be collected quicker.

Ms. Philo questioned so are they requesting a list of the monies that are owed to the City.

Mr. Pizzichillo said that he doesn't want any names, he just wants the number.

Mr. Turner said the question is what level does the Board want to pursue foreclosure actions.

Mr. Pizzichillo said there is some number that the City has to move on, not the person who forgot to pay \$50.

Mr. Daige said there are properties in the City that have been fined over the years and are still in bad shape. He said if there is a way for the City to square some of this away, he would like to do it.

Mr. McDonald asked Mr. Turner if it would be appropriate for the Board to meet with the City Council and express their concerns.

Mr. Turner said that he would recommend that they do things as a Board and not as an individual. He suggested that they see if the City Clerk's office can prepare something for the Board to look at and then they can put it before the City Council as an agenda item for them to make a determination if this is something they want staff to pursue.

Ms. Philo said that she would research how she could gather this information for the Board as to the fines that are owed and if there are continuing penalties.

- f. **CASE #20-CE-11119 / 2152T**  
**VIOLATOR:** PC Investment Properties, LLC / Julie E. Miller, Agent  
**VIOLATION:** Trash and debris; dumpster in poor condition and in need of repair – Code Section 38-31 (a)(5) and Section 66-11 (5)(b)(c)  
**VIOLATION ADDRESS:** 1876 41<sup>st</sup> Avenue, Vero Beach, Florida 32960  
**(Property found in compliance on February 16, 2021. There are continuing penalties of \$50 per day that commenced on October 21, 2020 for 118 days x \$50 = \$5,900, plus costs of recording and City Attorney fees. The initial \$50 civil penalty has been paid)**

\*Please note that this item was heard prior to item 5-B) 1e on today's agenda.

Ms. Sanderson reported that the property was found in compliance on February 16, 2021, and the civil penalty has been paid. She asked that the Board finds the property in compliance as of February 16, 2021, to cease the continuing penalty as of that date, and to pay the continuing penalties and costs.

Mr. Troy Peterson, Property Manager, who has been sworn in, said that he didn't realize that he was walking into a hearing. He thought that they were just going to try to get this issue cleared up.

Ms. Sanderson reported that this case is before the Board to find the property in compliance.

Mr. McDonald asked Mr. Peterson if he understood that this was to be brought into compliance last October.

Mr. Peterson answered no. He explained that they took over management of this property in November and they were not aware of the Code violation until December. He reported that the property owner told him that the wrong mailing address was on file and at that time he contacted Ms. Sanderson.

Mr. McDonald asked Ms. Sanderson when she was contacted.

Ms. Sanderson said that Mr. Peterson did reach out to her prior to today's hearing.

Mr. Peterson said they contracted with Professional Grade Fence before the end of December and they were the ones pulling the permits. He said when he would question the permits he was told that the City's permit was ready, but they needed a permit from the County, which was the delay. He said that Ms. Sanderson did tell him that the City's permit was ready and he communicated that with Professional Grade Fence and they told him that they were waiting on the County's permit. He said that the fence was completed within a week of them receiving the permit from the County.

Mr. Daige asked what is the entire amount due.

Mr. McDonald answered \$5,900.

Mr. Price said the property owner is the one who has to pay this, not the Property Manager.

Ms. Sanderson reported that she has not had any communication with the property owner.

Mr. McDonald asked if the property owner was notified in October.

Ms. Sanderson answered yes, by the address that is on record.

Mr. Peterson reported that the property owner did tell him that the City had the wrong mailing address.

Mr. Pizzichillo said that he would not have a problem giving them the benefit of the doubt. He said according to the Property Manager, they did not receive notification.

Mr. Tuner reported that there is no indication of any return of the notices in their file so there is no issue as to service.

Ms. Sanderson showed the Board a photograph that was taken of the property on September 8, 2020 at 8:13 a.m. (on file in the City Clerk's office).

Mr. Daige referred to the photograph. He said there is a lot of debris around the dumpster and that didn't happen overnight. He said it is the responsibility of the property owner to maintain the property. He said the fence around the dumpster shows that it has been in disrepair for quite a while. He said that he is not in favor of relaxing any of the accumulated fines.

Ms. Sanderson asked Mr. Peterson if there a local property manager, with the owner living in south Florida and him being located in Melbourne.

Mr. Peterson said there was a local property manager before his company took over and the property was seriously mismanaged. He said that his company had a lot of clean up to do in addition to the dumpster. He said there were less than desirable occupants that had to be removed, there was some Police activity that they had to be dealt with, and there was some gang activity on site. He said they cleaned up the property, and did a lot of work since they took it over.

**Mr. McDonald moved that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the \$50 per day effective October 21, 2020, through February 21, 2021.**

Ms. Sanderson asked that the Board finds that the property is in compliance and that the penalties stand.

**Mr. McDonald moved that the property is in compliance and the penalty stands and the Board issues a Board order to pay \$50 a day between October 21, 2020 and when it came into compliance on February 21, 2021.**

Ms. Sanderson asked that the Board finds that the property is in compliance as of February 16, 2021, and to cease the continuing penalties as of February 6, 2021, and to pay the accrued penalties and costs.

Ms. Philo noted that the correction date was February 16, 2021.

Ms. Sanderson said that is correct.

**Mr. McDonald said the motion is that the Board finds the property in compliance as of February 16, 2021, to cease the continuing penalties as of February 16, 2021, and to pay the accrued continuing penalties and costs. Mr. Daige seconded the motion and it passed unanimously.**

Mr. Peterson asked that the Board order be mailed to his office at 1103 West Hibiscus Boulevard, #310, Melbourne, Florida 32901. He said this would be settled faster if the Board order is mailed to him.

## **6. OLD BUSINESS**

### **PUBLIC HEARING**

#### **A) Code Enforcement Board Case #21-CE-11400, 1413 25<sup>th</sup> Avenue, Kaleigh Rhea Ann Romine and Notice of Public Nuisance Code Violation, Case #21-CE-11440, 1413 25<sup>th</sup> Avenue, Kaleigh Rhea Ann Romine and Caliber Home Loans**

Ms. Sanderson reported that the City Manager signed off on a public nuisance violation, which was hand delivered to the property owner, it was mailed to the property owner's grandmother who is also on the mortgage, and was mailed to the bank. She reported that she spoke with the bank twice and the most recent voice mail was that they would remove the trash and garbage, but if the property owner tells them to leave the property they would. She reported that the Public Works Department put in a request to the City Manager to abate and secure the property.

Mr. McDonald questioned in addition to the continuing penalties, the cost of abatement would be added.

Ms. Sanderson said once the City secures the property and the property owner does not have access, then that would cease the \$100 per day penalties. The property owner would be billed for the cost of the City to abate the property, the property owner would then have 30-days to pay or appeal, and then the City would move forward with action of a lien.

Mr. Pizzichillo said the property owner would be removed from the property at some point.

Ms. Sanderson said that is correct.

Mr. Daige asked Ms. Sanderson once the property is boarded up that the Police Department

keeps an eye on it. The reason is because this property has been used by the homeless and sometimes they get irritated when a property is shut down and they go in and pull off the boards.

Ms. Sanderson reported that this property would be on a “keep watch” by the Police Department.

**7. ADMINISTRATIVE MATTERS**

None

**8. CLERK’S MATTERS**

None

**9. ATTORNEY’S MATTERS**

None

**10. CHAIRMAN’S MATTERS**

None

**11. MEMBER’S MATTERS**

None

**12. ADJOURNMENT**

Today’s meeting adjourned at 2:26 p.m.

/sp